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13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN FRANCISCO DIVISION

16 NICK VASQUEZ,  
For Himself,  
17 As A Private Attorney General, and/or  
On Behalf Of All Others Similarly Situated,  
18

19 Plaintiff,  
20

21 v.

22 CEBRIDGE TELECOM CA, LLC (D/B/A  
SUDDENLINK COMMUNICATIONS);  
23 ALTICE USA, INC.; and  
DOES 1 THROUGH 10, INCLUSIVE,  
24

25 Defendants.  
26

Case No. 3:21-cv-06400-EMC

**STIPULATION AND ~~PROPOSED~~  
ORDER RE: BRIEFING OF MOTION TO  
DISMISS AND MOTION TO STAY**

[Civil L.R. 6-1(b), 6-2, 7-12]

[Filed Simultaneously With Declaration Of  
Paul Karl Lukacs In Support Hereof]

[Hon. Edward M. Chen]

**STIPULATION**

WHEREAS, on November 3, 2021, this Court entered an Order (Dkt. 24) denying the Motion To Compel Arbitration (Dkt. 12) brought by Defendants Cebridge Telecom CA, LLC (d/b/a Suddenlink Communications) and Altice USA, Inc. (collectively, “Suddenlink”);

WHEREAS, on December 2, 2021, Suddenlink filed a Notice of Appeal (Dkt. 29) from this Court’s denial of Suddenlink’s Motion To Compel Arbitration;

WHEREAS, on November 12, 2021, this Court entered a stipulated Order (Dkt. 26) setting the briefing schedule for a Motion To Dismiss to be filed by Suddenlink;

WHEREAS, the stipulated Order established that the Opposition to the Motion To Dismiss was to be filed by Plaintiff Nick Vasquez on January 14, 2022, and that the Reply in support of the Motion To Dismiss was to be filed by Suddenlink on January 28, 2022 (Dkt. 26);

WHEREAS, the Motion to Dismiss is currently scheduled to be heard by this Court on February 24, 2022, at 1:30 p.m.;

WHEREAS, on December 15, 2021, the U.S. Supreme Court granted certiorari in the case of *Viking River Cruises, Inc. v. Moriana*, No. 20-1573 (“*Viking River*”);

WHEREAS, on December 29, 2021, Suddenlink filed its Motion To Stay Pending Appeal Or In The Alternative Pending The Outcome of *Viking River* (Dkt. 37) (“Motion To Stay”);

WHEREAS, Suddenlink takes the position that this civil action should be stayed pending either Suddenlink’s appeal of this Court’s Order denying its Motion To Compel Arbitration or the U.S. Supreme Court’s decision in *Viking River*—a position that Plaintiff Vasquez opposes;

WHEREAS, Suddenlink’s Motion To Stay is currently scheduled for hearing on February 3, 2022, at 1:30 p.m., with Plaintiff Vasquez’s Opposition currently due on January 12, 2022, and Suddenlink’s Reply due on January 19, 2022 (Dkt. 37);

1 WHEREAS, the counsel representing Plaintiff Vasquez and Suddenlink have met and  
2 conferred about the most efficient way for the Court to adjudicate and for the parties to brief  
3 the pending Motion To Dismiss and Motion To Stay;

4 WHEREAS, pursuant to Civil L.R. 6-2(a), the Declaration of Paul Karl Lukacs is filed  
5 simultaneously herewith and in support hereof;

6 NOW, THEREFORE, Plaintiff Vasquez and Suddenlink STIPULATE and AGREE and  
7 respectfully REQUEST that the Court enter an Order directing that:

8 1. The hearing on Suddenlink's Motion To Dismiss be taken off calendar without  
9 prejudice, and the remainder of the briefing schedule be vacated pending further order of this  
10 Court.

11 2. Suddenlink's Motion To Stay be continued and be calendared for hearing by this  
12 Court on February 24, 2022, at 1:30 p.m. (in place of the Motion To Dismiss).

13 3. Plaintiff Vasquez's Opposition to the Motion To Stay be filed and served by  
14 January 21, 2022, while Suddenlink's Reply in support of the Motion To Stay be filed and  
15 served by February 11, 2022.

1 Dated: January 5, 2022

2 HATTIS & LUKACS

3 By: /s/ Paul Karl Lukacs

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13 *and the Proposed Class*

Respectfully submitted,

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*LLC, doing business as Suddenlink*  
*Communications, and Altice USA, Inc.*

14  
15 **ORDER**

16 PURSUANT TO STIPULATION, IT IS SO ORDERED.

17  
18  
19 Date: January 7, 2022

20   
21 HON. EDWARD M. CHEN  
22 U.S. District Court Judge  
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**CERTIFICATION UNDER CIVIL L.R. 5-1(h)(3)**

The filer of this document, Che Corrington, hereby attests that each of the other signatories has concurred in the filing of this document.

Dated: January 5, 2022

By: /s/ Che Corrington